

a2 42. (Amended) A method according to claim 41, wherein the hypersensitive response elicitor polypeptide or protein corresponds to that derived from a pathogen selected from the group consisting of *Erwinia*, *Pseudomonas*, *Xanthomonas*, *Phytophthora*, and mixtures thereof.

a3 55. (Amended) A plant produced by the process comprising:
applying a hypersensitive response elicitor protein or polypeptide in a non-infectious form to a plant seed under conditions effective to impart pathogen resistance to a plant grown from the seed;
planting in soil the seed to which the hypersensitive response elicitor has been applied; and
propagating a plant from the planted seeds.

56. (Amended) A plant seed obtained from the plant of claim 55.

57. (Amended) A plant propagule obtained from the plant of claim 55.

Please add new claims 61-77 as follows:

61. A method of imparting pathogen resistance to plants comprising:
transforming a plant with a DNA molecule encoding a hypersensitive response elicitor polypeptide or protein under conditions effective to impart pathogen resistance to the transgenic plant.

a4 62. A method according to claim 61, wherein the hypersensitive response elicitor polypeptide or protein corresponds to that derived from a pathogen selected from the group consisting of *Erwinia*, *Pseudomonas*, *Xanthomonas*, *Phytophthora*, and mixtures thereof.

63. A method according to claim 62, wherein the hypersensitive response elicitor polypeptide or protein corresponds to that derived from *Erwinia chrysanthemi*.

64. A method according to claim 62, wherein the hypersensitive response elicitor polypeptide or protein corresponds to that derived from *Erwinia amylovora*.

65. A method according to claim 62, wherein the hypersensitive response elicitor polypeptide or protein corresponds to that derived from *Pseudomonas syringae*.

66. A method according to claim 62, wherein the hypersensitive response elicitor polypeptide or protein corresponds to that derived from *Pseudomonas solanacearum*.

67. A method according to claim 62, wherein the hypersensitive response elicitor polypeptide or protein corresponds to that derived from *Xanthomonas campestris*.

68. A method according to claim 62, wherein the hypersensitive response elicitor polypeptide or protein corresponds to that derived from a *Phytophthora* species.

69. A method according to claim 61, wherein the transgenic plant is selected from the group consisting of dicots and monocots.

70. A method according to claim 69, wherein the plant is selected from the group consisting of rice, wheat, barley, rye, oats, cotton, sunflower, canola, peanut, corn, potato, sweet potato, bean, pea, chicory, lettuce, endive, cabbage, cauliflower, broccoli, turnip, radish, spinach, onion, garlic, eggplant, pepper, celery, carrot, squash, pumpkin, zucchini, cucumber, apple, pear, melon, strawberry, grape, raspberry, pineapple, soybean, tobacco, tomato, sorghum, and sugarcane.

71. A method according to claim 69, wherein the plant is selected from the group consisting of rose, *Saintpaulia*, petunia, *Pelargonium*, poinsettia, chrysanthemum, carnation, and zinnia.

72. A method according to claim 61, wherein the pathogen to which the transgenic plant is resistant is selected from the group consisting of viruses, bacteria, fungi, and combinations thereof.

73. A method according to claim 61, further comprising:
applying the hypersensitive response elicitor polypeptide or protein to
the transgenic plant to enhance the plant's pathogen resistance.

74. A method according to claim 61, wherein the hypersensitive response
elicitor protein or polypeptide is a fungal hypersensitive response elicitor.

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75. A transgenic plant produced by the process comprising:
transforming a plant with a DNA molecule encoding a hypersensitive
response elicitor polypeptide or protein under conditions effective to impart pathogen
resistance to the transgenic plant.

76. A transgenic plant seed obtained from the transgenic plant of claim 75.

77. A transgenic plant propagule obtained from the transgenic plant of
claim 75.
